

# S U M M A R Y   A C T I O N   M I N U T E S



## REGULAR MEETING OF THE BOARD OF SUPERVISORS

ORANGE COUNTY, CALIFORNIA

*Tuesday, October 19, 1999, 9:30 A.M.*

BOARD HEARING ROOM, FIRST FLOOR  
10 Civic Center Plaza  
Santa Ana, California

**CHARLES V. SMITH**  
CHAIRMAN  
First District

**THOMAS W. WILSON**  
VICE CHAIRMAN  
Fifth District

**TODD SPITZER**  
SUPERVISOR  
Third District

**JAMES W. SILVA**  
SUPERVISOR  
Second District

**CYNTHIA P. COAD**  
SUPERVISOR  
Fourth District

ATTENDANCE: All Members Present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER Janice M. Mittermeier  
COUNTY COUNSEL Laurence M. Watson  
CLERK OF THE BOARD Darlene J. Bloom

INVOCATION: Supervisor Spitzer, Third District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

### **I. PRESENTATIONS/INTRODUCTIONS**

Chairman Smith presented a resolution recognizing Barbara Muirhead, Public Facilities and Resources Department

### **II. CONSENT CALENDAR (Items 1-33)**

54231 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 14 AND 30 WHICH WERE CONTINUED TO 11/2/99, 9:30 A.M.; ITEMS 5, 7, 8 AND 13 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE AND ITEMS 31 AND 33 WHICH RECEIVED A NO VOTE FROM SUPERVISOR SILVA**

### **BOARD APPOINTMENTS**

# S U M M A R Y   A C T I O N   M I N U T E S

1. **Chairman Smith** - Public Services Access Advisory Committee - Appoint Gregory T. Winterbottom, Villa Park, to complete term ending 7/1/02

## COMMENDATIONS/PROCLAMATIONS

2. **Chairman Smith** - Adopt resolution commending Lee Podolak for her leadership in serving homeless and low income populations R99-425

### **Supervisor Wilson:**

3. Adopt resolution commending Bonita C. Baranyai for her dedication to the adult literacy service of Orange County Public Library R99-426
4. Adopt resolution commending Orange County Community Foundation on its 10th Anniversary R99-427

## COMMUNITY SERVICES AGENCY

5. Approve amendment 3 to agreement with Orange County Transportation Authority for provision of nutrition transportation services (\$248,529; new total \$376,370) - All Districts

## HEALTH CARE AGENCY

6. Approve price agreement N1000002201 with Franklin B. Grossman, M.D. for radiological services for Pulmonary Disease Services Unit, 10/19/99 - 10/18/00 (\$52,000); renewable for two additional years - All Districts
7. Approve lease with E. W. Spinney, Jr. and Gloria N. Spinney for facility for health care services, Santa Ana; approve agreement with California State University, Long Beach Department of Nursing for provision of clinical health care services, 10/19/99 - 6/30/00 (\$100,000); approve donation of medical equipment, appliances, bulk medication, office equipment and furniture to California State University, Long Beach Department of Nursing; and make California Environmental Quality Act findings - District 1

15234 **APPROVED AS RECOMMENDED**

## HOUSING AND COMMUNITY DEVELOPMENT

8. Receive and file progress report for Home Improvement Program with U.S.E. Community Services Group; and report back to Board within six months - All Districts

35241 **APPROVED AS RECOMMENDED**

## INTEGRATED WASTE MANAGEMENT DEPARTMENT

9. Approve amendment 2 to agreement with URS Greiner Woodward Clyde for on-call architectural engineering services in support of compliance with the California Environmental Quality Act, extending term to 11/3/00 - All Districts

## PLANNING AND DEVELOPMENT SERVICES

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10. Approve Tract 15425, Shea Homes Limited Partnership, Aliso Viejo area; accept easements for emergency vehicular access over lots "G" and "H", scenic preservation over lots "B", "C" and "D", aircraft operations, sound, air space and avigation; accept dedication of lots "E" and "F" for greenbelt/Regional Park; approve construction agreement S1198-2604 and accept bonds guaranteeing construction of improvements - District 5

## **PUBLIC FACILITIES AND RESOURCES DEPARTMENT**

11. Approve agreement 99-0434 with State Department of Food and Agriculture to perform mandated enforcement of seed regulations, 7/1/99 - 6/30/04 (\$13,565.60) - All Districts
12. Acting as the Board of Supervisors - Approve deed quitclaiming drainage facilities for Los Alisos Channel and Bake Parkway Storm Drain to Orange County Flood Control District; and make California Environmental Quality Act findings; Acting as the Orange County Flood Control District - Accept deed quitclaiming drainage facilities from the County of Orange - District 3
13. Approve and accept grant deed from The Irvine Company for 646.217 acres of land for expansion of Limestone-Whiting Wilderness Park; and make California Environmental Quality Act and other findings - District 3

34251 **APPROVED AS RECOMMENDED**

14. Approve agreement with the Navy, California State Historic Preservation Officer and Advisory Council on Historic Preservation as an invited signatory for improvements and preservation of Historic Blimp Hangar, MCAS Tustin -District 5 (Continued from 9/14/99, Item 28; 9/21/99, Item 9; 10/05/99, Item 17)

54231 **CONTINUED TO 11/2/99, 9:30 A.M.**

15. Approve amended agreement 7-037-250-0 with State Water Resources Control Board for extension to perform water quality planning studies in Newport Bay and its watershed - Districts 3 & 5
16. Approve amended price agreement N1000001937 with New Boston Systems for Y2K professional services extending terms to 3/31/00 (\$215,000; new total \$441,512) - All Districts
17. Adopt resolution certifying completion of street improvements, street lights and monumentation; authorizing release of bonds and accepting public street improvements, Tract 14301, AV Partnership, L.P., Aliso Viejo area - District 5  
R99-428

### **Acting as the Orange County Flood Control District:**

18. Accept work and approve notice of completion, Belczak & Sons, Inc., for construction of improvements to East Garden Grove-Wintersburg Channel, Huntington Beach; project completed 7/1/99 (\$7,200,000) - District 2
19. Approve purchase and sale agreement with and quitclaim deed to Yorba Orange Grower Association for sale of a 1.061 acre district owned parcel of real property, A.T. & S.F. Railroad and Atwood Flood Control Channel, Anaheim; and make California Environmental Quality Act and other findings - District 4

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## PUBLIC PROTECTION

### **Probation:**

- 20 .            Approve price agreement N1000002228 with Advanced Building Maintenance for janitorial services, Administration Building, Santa Ana, 11/1/99 - 10/31/00 (\$66,600); renewable for two additional years; and make appropriate findings - District 1
- 21 .            Approve submission of Federal Equitable Sharing Agreement, 10/1/99 - 9/30/02 and Federal Annual Certification Report, FY 1998-99 for participation in Federal Equitable Sharing Program - All Districts
- 22 .            Approve agreement with St. Joseph Hospital for California Youth Authority Tattoo Removal Program, 9/20/99 - 9/19/00; and authorize Chief Probation Officer to extend agreement under certain conditions up to 4 years - All Districts
- 23 .            Select Orange County Youth and Family Services as primary and Community Service Programs, Inc. as alternate provider for Juvenile Diversion Program services to older youthful offenders; and authorize negotiation of agreement for Board approval - All Districts

### **Sheriff-Coroner:**

- 24 .            Approve agreement with City of Placentia to fund 18.5% of services for crossing guard position, 7/1/99 - 6/30/02 (\$4,521) - District 4
- 25 .            Approve price agreement N1000002221 with Contract Environmental Service for underground storage tank testing at various locations, 11/1/99 - 10/31/04 (\$10,000 per year) - All Districts
- 26 .            Approve price agreement N1000002198 with Multitronics Industrial Electronics for maintenance and repair of variable-speed drives, Intake-Release Center and morgue, 10/22/99 - 10/21/04 (\$75,000) - District 1
- 27 .            Approve participation of staff and resources for "An Evening in Jail" fund raising event; and make California Environmental Quality Act and other findings - District 4

## GENERAL ADMINISTRATION

### **County Executive Office:**

- 28 .            Receive and file Annual Donated Space Status report - All Districts
- 29 .            Approve establishment of job classification and salary for Senior Computer Graphics Specialist-Publishing Services and amend master position control, effective 10/22/99 - All Districts
- 30 .            Authorize release of request for proposal for the operation of the Data Center and Telecommunications Network - All Districts

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54231        CONTINUED TO 11/2/99, 9:30 A.M.

31.        **Supervisor Spitzer** - Approve Community Social Programs Grant funds to La Habra Police Association; approve budget adjustments and make appropriate findings, 10/19/99 - 4/30/00 (\$1,250)

54231        **APPROVED AS RECOMMENDED**  
N

32.        **Supervisor Coad** - Approve submission of grant application for an award of Judicial Council Court-Appointed Special Advocate Program Grant establishing a Child Advocate Program in Orange County  
R99-429

33.        **Supervisor Wilson** - Approve Community Social Program Grant funds to Tustin Public Schools Foundation; approve budget adjustments and make appropriate findings, 10/19/99 - 6/30/00 (\$2,000)

54231        **APPROVED AS RECOMMENDED**  
N

END OF CONSENT CALENDAR

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## **III. DISCUSSION ITEMS (Items 34-53)**

### **COMMUNITY SERVICES AGENCY**

34.      Approve submission of grant application to U. S. Department of Labor, Employment and Training Administration for Title III Individual Training Account /Eligible Provider Demonstration Project grant funds (\$500,000)- All Districts  
45231    **APPROVED AS RECOMMENDED**
35.      Approve submission of grant application to U. S. Department of Labor, Employment and Training Administration for H-IB Dislocated Worker Technical Skilled Training Demonstration grant funds (\$1,500,000) - All Districts  
42351    **APPROVED AS RECOMMENDED**
36.      Approve submission of grant application to U.S. Department of Labor, Employment and Training administration for Regional Consortium Employer Skills Demonstration Project grant funds (\$1,000,000) - All Districts  
54231    **APPROVED AS RECOMMENDED**

### **HEALTH CARE AGENCY**

37.      Approve agreement 99-85498 with State Department of Health Services for HIV-1 viral load testing for AIDS patients, 7/1/99 - 6/30/00 (\$538,080) - All Districts  
54231    **APPROVED AS RECOMMENDED**

### **INTEGRATED WASTE MANAGEMENT DEPARTMENT**

38.      Select TRC Environmental Solutions, Inc. as primary and Bryan A. Stirrat & Associates as alternate architectural engineering firms to conduct environmental site assessments, mitigation alternatives feasibility studies, engineering designs and where applicable, Brownfields grant applications for Closed Landfill Environmental Assessment and Response project; and authorize negotiation of agreement for Board approval - All Districts  
14235    **APPROVED AS RECOMMENDED**

### **JOHN WAYNE AIRPORT**

39.      Receive bids and award contract to Sequel Contractors, Inc. for pavement repairs and maintenance (\$1,000,000); and make California Environmental Quality Act findings - District 5  
52341    **APPROVED AS RECOMMENDED**

### **PUBLIC FACILITIES AND RESOURCES DEPARTMENT**

40.      Approve price agreement N1000002133 with Azteca Landscape for landscape maintenance service, Mile Square Regional Park, 11/1/99 - 10/31/00 (\$287,571); renewable for two additional years; and make California Environmental Quality Act findings - District 1  
12345    **APPROVED AS RECOMMENDED**

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- 41 .      Approve price agreement N1000002141 with The Soto Company for landscape maintenance service, Mason Regional Park, 12/1/99 - 11/30/00 (\$178,881); renewable for two additional years; and make California Environmental Quality Act findings - District 5  
52341      **APPROVED AS RECOMMENDED**

## **SOCIAL SERVICES AGENCY**

- 42 .      Approve agreement with Orangewood Children's Foundation for provision of respite care services for foster and natural children, 11/1/99 - 6/30/00 (\$687,379) - All Districts  
45231      **APPROVED AS RECOMMENDED**

- 43 .      Approve agreement with Materiel Resource Associates, Inc. for medical review and physical examinations of CalWORKs clients, 11/1/99 - 10/31/00 (\$588,000) - All Districts  
43251      **APPROVED AS RECOMMENDED**

## **PUBLIC PROTECTION**

- 44 .      **Sheriff-Coroner** - Approve amended price agreement N1000002151 with New Boston Systems for network support personnel, ending 1/31/00 (\$80,000; new total \$540,000); and authorize purchasing agent to extend agreement for seven months upon certain conditions - All Districts  
14235      **APPROVED AS RECOMMENDED**

## **GENERAL ADMINISTRATION**

- 45 .      **County Counsel** - Approve amendment to agreement with Mark F. Mispagel for legal services relating to the MCAS El Toro Master Development Program, extending term to 6/30/00 (\$100,000; new total \$644,500) - All Districts  
14235      **APPROVED AS RECOMMENDED**  
NN

### **County Executive Office:**

- 46 .      Approve amendment to agreement with Gary Simon for professional services relating to MCAS El Toro Master Development Program, extending term to 6/30/00 (\$85,000; new total \$545,500) - All Districts  
12345      **APPROVED AS RECOMMENDED**
- 47 .      Approve agreement with Michael L. Lapin for professional services relating to MCAS El Toro Master Development Program extending term to 6/30/00, (not to exceed \$85,000) - All Districts  
12345      **APPROVED AS RECOMMENDED**  
N N

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- 48 .                    Approve amendment B to agreement with LSA Associates, Inc. for preparation of Federal Aviation Administration Environmental Impact Statement, to complement preparation of draft Environmental Impact Report for MCAS El Toro Reuse Plan (\$979,453; new total \$3,830,114) - All Districts  
14235                    **APPROVED AS RECOMMENDED**  
N
- 49 .                    Acting as Community Facilities District 99-1 (Ladera Ranch) - Adopt resolution approving financing documents and other actions necessary to issue Series A of 1999 Special Tax Bonds (\$25,000,000) - District 5                    R99-430  
53241                    **APPROVED AS RECOMMENDED**
- 50 .                    Acting as the Board of Supervisors - Adopt resolution approving remarketing circular and other actions necessary to remarket the 1995 Series C Teeter Plan Revenue Bonds (\$34,000,000); Acting as the Orange County Special Financing Authority - Adopt resolution approving conversion and remarketing of the 1995 Series C Teeter Plan Revenue Bonds, the remarketing circular, the possible retirement of a portion of the 1995 Series A (Taxable) Teeter Plan Revenue Bonds and other actions necessary for the remarketing (\$34,000,000) - All Districts  
R99-431  
R99-432  
42351                    **APPROVED AS RECOMMENDED**
- 51 .                    County Executive Office, on behalf of the Fifth District and Superior Court of California, County of Orange requests policy direction regarding the request for proposal for design of a new South Justice Center Facility - District 5 (Continued from 10/05/99, Item 51)  
B.O.                    **CONTINUED TO 11/2/99, 9:30 A.M.**
- 52 .                    **Chairman Smith and Supervisor Silva** - Consider joining the Orange County Regional Airport Authority and direct staff to identify funding sources for contribution to the Authority in an amount not to exceed \$400,000 and develop a membership agreement for Board approval  
12345                    **APPROVED AS RECOMMENDED**  
N N

## **EXTERNAL RESTRUCTURING PROGRAM FOR THE COUNTY OF ORANGE**

- 53 .                    At this time Members of the Board of Supervisors and/or the County Executive Office may report on and discuss activities related to the External Restructuring Program for the County of Orange - All Districts  
**PRESENTED**



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#### **IV. PUBLIC HEARINGS (Items 54-56)**

**PUBLIC FACILITIES AND RESOURCES DEPARTMENT**

54. Public Hearing to consider adopting resolution of abandonment of parcel in O'Neill Regional Park in exchange for parcel owned by Rancho Santa Margarita Joint Venture - District 5 R99-433

B.O. **CLOSED PUBLIC HEARING**

53241 **APPROVED AS RECOMMENDED**

- 55 . Public Hearing to consider approving exchange agreement and quitclaim deed with Rancho Santa Margarita Joint Venture; and accept grant deed for exchange of 3.19 acres of County owned property for 8.55 acres adjacent to O'Neill Regional Park; and make California Environmental Quality Act and other findings - District 5 (R.A. 2, 4/5 vote)

B.O. **CLOSED PUBLIC HEARING**

53241 **APPROVED AS RECOMMENDED**

56. **Acting as the Orange County Development Agency** - Public Hearing to consider adopting resolution approving purchase and sale of residential property to Jeffrey H. and Julie E. Schneidewind, Santa Ana Heights Redevelopment Project Area: and make California Environmental Quality Act and other findings - District 5
- R99-434

**B.O. CLOSED PUBLIC HEARING**

53241 **APPROVED AS RECOMMENDED**

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## **V. CLOSED SESSION (Item CS-1)**

- CS-1. **County Counsel** – CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: McCarthy Building Companies, Inc, et al. v. County of Orange, The Austin Company et al., Orange County Superior Court Case No. 815150 - All Districts
- B.O. **HELD; CHAIRMAN READ THE FOLLOWING ACTION: THE BOARD OF SUPERVISORS TOOK THE FOLLOWING ACTION IN CLOSED SESSION CONCERNING MCCARTHY BUILDING COMPANIES, INC., ET AL. V. COUNTY OF ORANGE, ET AL. OCSC NO. 81-51-50 BY A UNANIMOUS VOTE: 1. AUTHORIZED STAFF TO TENDER THE COUNTY'S DEFENSE AND INDEMNIFICATION TO AUSTIN COMPANY. 2. AUTHORIZED THE COMMENCEMENT OF LITIGATION AGAINST THE AUSTIN COMPANY AND ALL OTHER RESPONSIBLE PARTIES TO COLLECT ALL AMOUNTS DUE AND TO ENFORCE THE COUNTY'S INDEMNIFICATION RIGHTS SHOULD THE TENDER BE REFUSED. 3. AUTHORIZED USE OF SHEPPARD, MULLIN, RICHTER & HAMPTON TO ACT AS CO-COUNSEL WITH THE COUNTY COUNSEL IN REPRESENTATION OF THE COUNTY IN THE MCCARTHY BUILDING COMPANIES CASE AND ANY RELATED LITIGATION. 4. WAIVED ANY CONFLICT OF INTEREST ARISING UNDER THE COUNTY'S CONFLICT OF INTEREST POLICY TO AUTHORIZE SHEPPARD, MULLIN, RICHTER & HAMPTON TO REPRESENT SOCAL ACCESS SYSTEMS THROUGH THE ADMINISTRATIVE APPEAL PROCESS OF A BID PROTEST IN CONNECTION WITH THE COUNTY'S AWARD OF THE PARKING ACCESS AND REVENUE CONTROL SYSTEM REPLACEMENT CONTRACT TO SENTRY SYSTEMS, INC. THE WAIVER EXCLUDES SHEPPARD, MULLIN, RICHTER & HAMPTON'S REPRESENTATION OF SOCAL ACCESS SYSTEMS IN ANY LITIGATION AGAINST THE COUNTY.**

## **VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT**

### **PUBLIC COMMENTS:**

*Charles Griffin, Russell Niewiarowski and Marcella Niewiarowski* – Oral RE: New runway configuration for proposed MCAS El Toro Airport (presented video)

**BOARD COMMENTS:**           None

**ADJOURNED:**           3:00 P.M.

23451 **ADJOURNED IN MEMORY OF SANDY PINKERTON**

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\*\*\* KEY \*\*\*

## *Left Margin Notes*

- 1. v Chairman Smith
- 2. v Supervisor Silva
- 3. v Supervisor Spitzer
- 4. v Supervisor Coad
- 5. v Supervisor Wilson

- A. v Abstained
- X. v Excused
- N. v No
- BO v Board Order

## *Right Margin Notes*

- O. v Ordinance
- R. v Resolution

*Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)*

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*CHARLES V. SMITH, CHAIRMAN*  
*Orange County Board of Supervisors*

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*DARLENE J. BLOOM*  
*Orange County Clerk of the Board*